



PATENT
Attorney Docket No. 08350.1484-00000
Assignee Docket No. 01-484

2007

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
Imed GHARSALLI et al.) Group Art Unit: 2629
Application No.: 10/092,333) Examiner: Kimnhung NGUYEN
Filed: March 06, 2002) Confirmation No. 9000
For: INPUT/OUTPUT INTERFACE)
CONTROL)

Mail Stop Appeal Brief--Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL OF APPEAL BRIEF (37 C.F.R. 41.37)

Transmitted herewith is the APPEAL BRIEF in this application with respect to the
Notice of Appeal filed on July 2, 2007.

This application is on behalf of

Small Entity Large Entity

Pursuant to 37 C.F.R. 41.20(b)(2), the fee for filing the Appeal Brief is:

\$250.00 (Small Entity)
 \$500.00 (Large Entity)

TOTAL FEE DUE:

Appeal Brief Fee \$500.00

Extension Fee (if any) \$

Total Fee Due \$500.00

Enclosed is a check for \$500.00 to cover the above fees.

Application No.: 10/092,333
Attorney Docket No.: 08350.1484-00000
Assignee Docket No. 01-484

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this Appeal Brief, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 31, 2007
By: 
Timothy McAnulty
Reg. No. 56,939



PATENT
Attorney Docket No. 08350.1484-00000
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Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER 37 C.F.R. § 41.37(a)(1)

In support of the Notice of Appeal filed July 2, 2007, and pursuant to 37 C.F.R. 41.37(a)(1), Appellant presents this brief and encloses herewith a check for the fee of \$500.00 required under 37 C.F.R. 41.20(b)(2).

This Appeal responds to the April 4, 2007 rejection of claims 1-20.

If any additional fees are required or if the enclosed payment is insufficient, Appellant requests that the required fees be charged to Deposit Account No. 06-0916.

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Table of Contents

I.	Real Party in Interest.....	3
II.	Related Appeals and Interferences	4
III.	Status of Claims	5
IV.	Status of Amendments	6
V.	Summary of Claimed Subject Matter.....	7
VI.	Grounds of Rejection	10
VII.	Arguments.....	11
VIII.	Conclusion	24
IX.	Claims Appendix to Appeal Brief.....	25
X.	Evidence Appendix to Appeal Brief.....	30
XI.	Related Proceedings Appendix to Appeal Brief.....	31

Real Party In Interest

Caterpillar Inc. is the real party in interest.

Related Appeals and Interferences

There are currently no other appeals or interferences, of which Appellant, Appellant's legal representative, or Assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Application No.: 10/092,333
Attorney Docket No.: 08350.1484-00000
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Status Of Claims

Claims 1-20 were rejected and claims 1-20 are involved in this appeal. A copy of these claims is provided in the attached appendix to the appeal brief.

Application No.: 10/092,333
Attorney Docket No.: 08350.1484-00000
Assignee Docket No. 01-484

Status Of Amendments

No amendments have been filed subsequent to the last rejection of claims 1-20
in the Office Action mailed April 4, 2007.

Summary of Claimed Subject Matter

The claimed subject matter on appeal relates to a method and apparatus for controlling an output as a function of an input. See, for example, specification at ¶ [2].

The subject matter of independent claim 1 is directed to a method for controlling a parameter of at least one signal. See, for example, specification at ¶¶ [2] and [6]. The method includes the step of receiving a desired command signal from at least one control input. See, for example, specification at ¶ [12]-[14] and [21]. The method also includes the step of determining a potential condition for receiving an undesired command signal from at least one other control input. See, for example, specification at ¶¶ [15], [16], and [22]. The method also includes the step of adjusting a parameter of an undesired command signal received from the at least one other control input in response to the potential condition. See, for example, specification at ¶¶ [16], [17], [23], and [25]. The method also includes the step of delivering the desired command signal and the undesired command signal to at least one output. See, for example, specification at ¶¶ [17] and [18].

The subject matter of independent claim 8 includes an apparatus for controlling a parameter of at least one signal. See, for example, specification at ¶ [2]. The apparatus includes a plurality of control inputs. See, for example, specification at ¶¶ [12]-[14] and [21]. The apparatus also includes a controller. See, for example, specification at ¶¶ [15]-[17] and [22]. The controller is for receiving a first command from at least one control input. See, for example, specification at ¶¶ [15], [16], and [21].

The controller is also for determining a potential condition for receiving an undesired command signal from at least one other control input. See, for example, specification at ¶¶ [15], [16], and [22]. The controller also for receiving a second command signal from the at least one other input. See, for example, specification at ¶¶ [15], [16], and [22]. The controller is also for modifying a parameter of the second command signal in response to the potential condition. See, for example, specification at ¶¶ [16], [17], and [23]. The controller is also for delivering the first and second command signals to at least one output. See, for example, specification at ¶¶ [17] and [18].

The claimed subject matter of claim 16, which is dependent on independent claim 1, includes the step of removing the adjusted parameter from the undesired command signal after an elapsed period of time. See, for example, specification at ¶¶ [18] and [25].

The claimed subject matter of independent claim 18 includes a method for delivering a command signal. See, for example, specification at ¶ [18]. The method includes the step of receiving a first command signal from a first input. See, for example, specification at ¶¶ [12]-[14] and [21]. The method also includes the step of receiving a second command signal from a second control input. See, for example, specification at ¶¶ [15], [16], and [22]. The method also includes the step of selectively passing the second command signal through a control function to selectively control a parameter of the second command signal as a function of the first command signal. See, for example, specification at ¶ [18]. The method also includes the step of subsequently removing the control function form the second command signal. See, for

example, specification at ¶ [18]. The method also includes the step of communicating the first and second command signals to at least one output. See, for example, specification at ¶¶ [17], [18], and [24].

Grounds of Rejection

- A. Claims 1-20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.
- B. Claims 1-4, 8-12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,854,554 to Brandt et al. ("Brandt").
- C. Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandt in view of U.S. Application No. 2003/0060906 to Kim ("Kim").

Arguments

A. The Rejection of claims 1-20 Under 35 U.S.C. § 101, as Being Directed to Non-statutory Subject Matter, Should Be Reversed.

The Examiner rejected claims 1-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Board should reverse this rejection because the Examiner has failed to properly establish that the claimed subject matter of claims 1-20 does not fall into a statutory category. Specifically, claims 1-20 are directed to the transformation of physical objects, and produce a useful, concrete, and tangible result.

The subject matter that courts have held to be outside of the four statutory categories of invention provided in 35 U.S.C. § 101 is limited to abstract ideas, laws of nature, and natural phenomena. See MPEP § 2106 IV. A. These judicial limitations recognize that subject matter which is not a practical application or use of an idea, a law of nature, or a natural phenomenon, is not patentable. *Id.* A conclusion that a claim includes one of these judicial limitations does not end the inquiry because the practical application of such a judicial limitation may well be deserving of patent protection. MPEP § 2106 IV. C. 1. (quoting *Diehr*, 450 U.S. at 187). For claims including such subject matter to be eligible for patent protection, the claim must be for a practical application of the abstract idea. MPEP § 2106 IV. C. 2. A claimed invention is directed to a practical application of an abstract idea if it, *inter alia*, "transforms' a physical object." *Id.* A claimed invention provides a transformation by transforming or reducing a physical object into a different state or thing. See MPEP § 2106 IV. C. 2. (1).

In the Office Action dated April 4, 2007 ("the April 2007 Office Action"), the Examiner, for the first time during prosecution, rejected claims 1-20 under 35 U.S.C. §101 alleging that the "signal" of claims 1, 4-8, and 14-20 is an abstract idea. Office Action at lines 9-12, page 2. Seemingly, the Examiner is asserting that (i) a "signal" is not a physical object and (ii) the claimed subject matter is not a practical application thereof. The Examiner, however, has not provided any legal or factual basis to support this allegation.

1. The rejection of claims 1-7, 16, and 17 is improper because the subject matter of these claims transform a physical object into a different state or thing

Claim 1 recites "receiving a desired command signal...[and]...adjusting a parameter of an undesired command signal...[and]...delivering the desired command signal and the undesired command signal...." See claim 1 in the Appendix. The subject matter of claim 1 transforms the desired signal from an input to an output by receiving the desired command signal from an input and delivering the desired command signal to an output. The subject matter of claim 1 transforms an undesired command signal by (i) adjusting a parameter of the undesired command signal from a first parameter function to a second parameter function that is different than the first parameter function and (ii) delivering the undesired command signal to an output.

A signal is a physical thing. A signal is an indicator; an impulse or fluctuating electric quantity such as a voltage; or the sound, image, or message transmitted or received in telegraphy, telephony, radio, television, or radar. See *The American Heritage College Dictionary*, Third Edition.

Independent claim 1 transforms a physical object into a different state or thing because claim 1 *adjusts* a parameter. The Examiner improperly characterizes independent claim 1 as being directed to non-statutory subject matter. Additionally, claims 2-7, 16, and 17 each depend from independent claim 1 and are directed to statutory subject matter for at least this reason as well as for their additional features. Accordingly the Board should reverse the Examiner's rejection of claims 1-7, 16, and 17 under 35 U.S.C. § 101 because the rejection is improper.

2. The rejection of claims 8-15 is improper because the subject matter of these claims transform a physical object into a different state or thing

Claim 8 recites "a controller for: receiving a first command signal...[and]...receiving a second command signal...[and]...modifying a parameter of the second command signal...[and]...delivering the first and second command signals" See claim 8 in the Appendix. The subject matter of claim 8 transforms the first signal from an input to an output by receiving the first command signal from an input and delivering the first command signal to an output. The subject matter of claim 8 transforms the second command signal by (i) modifying a parameter of the second command signal from a first parameter function to a second parameter function that is different than the first parameter function and (ii) and delivering the second command signal to an output.

As set forth above, a signal is a physical thing. A signal is an indicator; an impulse or fluctuating electric quantity such as a voltage; or the sound, image, or message transmitted or received in telegraphy, telephony, radio, television, or radar. See *The American Heritage College Dictionary*, Third Edition.

Independent claim 8 transforms a physical object into a different state or thing because claim 8 *modifies* a parameter. The Examiner improperly characterizes independent claim 8 as being directed to non-statutory subject matter. Additionally, 9-15 each depend from independent claim 8 and are directed to statutory subject matter for at least this reason as well as for their additional features. Accordingly the Board should reverse the Examiner's rejection of claims 8-15 under 35 U.S.C. § 101 because the rejection is improper.

3. The rejection of claims 18-20 is improper because the subject matter of these claims transform a physical object into a different state or thing

Claim 18 recites "receiving a first command signal...[and]...receiving a second command signal...[and]...selectively control[ing] a parameter of the second command signal...[and]...communicating the first and second command signals...." The subject matter of claim 18 transforms the first signal from an input to an output by receiving the first command signal from an input and delivering the first command signal to an output. The subject matter of claim 18 transforms the second command signal by (i) selectively controlling a parameter of the second command signal from a first parameter function to a second parameter function that is different than the first parameter function and (ii) and delivering the second command signal to an output.

As set forth above, a signal is a physical thing. A signal is an indicator; an impulse or fluctuating electric quantity such as a voltage; or the sound, image, or message transmitted or received in telegraphy, telephony, radio, television, or radar.

See The American Heritage College Dictionary, Third Edition.

Independent claim 18 transforms a physical object into a different state or thing because claim 18 *selectively controls* a parameter. The Examiner improperly characterizes independent claim 18 as being directed to non-statutory subject matter. Additionally, claims 19 and 20 each depend from independent claim 18 and are directed to statutory subject matter for at least this reason as well as for their additional features. Accordingly the Board should reverse the Examiner's rejection of claims 18-20 under 35 U.S.C. § 101 because the rejection is improper.

B. The Rejection of Claims 1-4, 8-12, 14, 15, 17, and 18 Under 35 U.S.C. § 102(e) as Being Anticipated by Brandt Should be Reversed

The Examiner rejected claims 1-4, 8-12, 14, 15, 17, and 18 under 35 U.S.C. § 102(e) as being anticipated by Brandt. The Board should reverse this rejection because the Examiner has failed to establish a proper anticipation rejection based on Brandt. A proper anticipation rejection requires each and every element set forth in the claim to be found in a single prior art reference. MPEP § 2131. Brandt does not disclose changing a parameter after it has been set.

1. Brandt Discloses Fixed Parameters of Signals

Brandt discloses a steering system for a machine including a left joystick 102 and a right joystick 104 having respective joystick sensors 106 and 108. See lines 9 to 11 of column 4 of Brandt. The left and right joysticks 102, 104 also include low pass filters 110 and 112 which filter out high frequency jitter provided by joystick position sensors 106, 108 and have the effect of filtering out rapid movements of the left and right joysticks 102, 104 which reduce undesirable steering characteristics based on

erroneous operator inputs due to vehicle bouncing or other movements. See lines 39 to 50 of column 4. Brandt also discloses that the filters 110, 112 may be implemented in hardware or software associated with a controller 116 which is configured to provide output control signals based on input control signals of the right and left joysticks 102, 104 that have maintained a steady state for a predetermined period of time. See lines 50 to 59 of column 4 of Brandt. Brandt additionally discloses that right and left joysticks 102, 104 include actuators 114 that may include a plurality of *settable* parameters and specifically discloses that such parameters can be set *prior to use* by changing the software associated therewith and discloses that such parameters may establish predetermined operation of system components based on joystick displacement. See lines 15 to 22 and 52 to 59 of column 5 of Brandt. Brandt further discloses that actuators 114 may include a deadband input that may be positioned around the neutral position of the right and left joysticks 102, 104 and that the deadband may be set similarly to other settable parameters, i.e., set prior to use by changing the software to establish predetermined operation of system components. See lines 14 to 24 of column 6 of Brandt. Brandt is silent regarding, and thus does not disclose, any attributes of either the range of filters 110, 112 or the parameters after those parameters are set prior to use, i.e., the filter ranges and parameters remain at their set values. Brandt discloses a passive system including set and unchanged filter ranges and parameters.

In the Office Action, the Examiner contends that Brandt discloses, in column 5, lines 52-67,

"a potential condition for receiving an undesired command signal (see signal of joystick 104) from at least one other control input...adjusting a

parameter of an undesired command signal (see actuators 114 include a plurality of settable parameters and actuators to operate in high speed or low speed fashion...). That means that Brandt discloses a plurality of setting parameters to adjust the high speed and low speed"

Office Action at lines 3-8, page 3. Applicant respectfully submits that the Examiner misapplies the disclosure of Brandt. Applicant submits that column 5, lines 52-67 of Brandt discloses setting parameters, including deadband, *prior to use* and, after the parameters are set, they are not subsequently changed. That is, Brandt discloses the ability for a user to set a parameter prior to use by changing software, thereby establishing a constant parameter that remains as originally set during actuation of the joysticks. Brandt is completely silent regarding any changing of a parameter after it has been set and, thus, cannot disclose such a feature.

i. Brandt Does Not Anticipate Claims 1-7 and 17

Brandt does not disclose or suggest "determining a potential condition for receiving an undesired command signal from at least one other control input...[and]...adjusting a parameter of an undesired command signal received from at least one other control input in response to the potential condition," as recited in independent claim 1. In contrast, Brandt merely discloses that parameters can be set by a user prior to use by changing software.

Brandt does not disclose "adjusting" a parameter merely by mentioning that parameters can be set by a user prior to use by changing software. Changing software replaces one parameter with another and does not change a parameter. In fact, Brandt is disclosing that a user can customize the maximum forward and reverse speed

attainable via actuation of joysticks 102, 104 by changing software so a drive pump is sufficiently stroked. See Brandt at lines 56-60, column 5.

The Examiner's allegation that Brandt anticipates independent claim 1 contradicts the explicit disclosure of Brandt and independent claim 1 is allowable for at least this reason. Additionally, claims 4-7 and 17 each depend from independent claim 1 and are allowable for at least this reason. Accordingly, the Board should reverse the Examiner's rejection of claims 1-4 and 17 under 35 U.S.C. § 102(e) because the Examiner has failed to properly establish that Brandt discloses or suggests each of the claimed elements.

ii. Brandt Does Not Anticipate Claims 8-15

Brandt does not disclose or suggest a controller for "determining a potential condition for receiving an undesired command signal from at least one other control input...[and]...modifying a parameter of the second command signal in response to the potential condition," as recited in independent claim 8. In contrast, Brandt merely discloses that parameters can be set by a user prior to use by changing software.

Brandt does not disclose "modifying" a parameter merely by mentioning that parameters can be set by a user prior to use by changing software. As set forth above, changing software replaces one parameter with another and does not change a parameter. Brandt is disclosing that a user can customize the maximum forward and reverse speed attainable via actuation of joysticks 102, 104 by changing software so a drive pump is sufficiently stroked. See Brandt at lines 56-60, column 5.

The Examiner's allegation that Brandt anticipates independent claim 8 contradicts the explicit disclosure of Brandt and independent claim 8 is allowable for at least this reason. Additionally, claims 9-15 each depend from independent claim 8 and are allowable for at least this reason. Accordingly, the Board should reverse the Examiner's rejection of claims 8-15 under 35 U.S.C. § 102(e) because the Examiner has failed to properly establish that Brandt discloses or suggests each of the claimed elements.

iii. Brandt Does Not Anticipate Claim 18

Brandt does not disclose or suggest "selectively passing the second command signal through a control function to selectively control a parameter of the second command signal as a function of the first command signal...[and]...subsequently removing the control function from the second command signal" as recited in claim 18. In contrast, Brandt merely discloses that parameters can be set by a user prior to use by changing software.

Brandt does not disclose "selectively control[ing]" a parameter merely by mentioning that parameters can be set by a user prior to use by changing software. As set forth above, changing software replaces one parameter with another and does not change a parameter. Brandt is disclosing that a user can customize the maximum forward and reverse speed attainable via actuation of joysticks 102, 104 by changing software so a drive pump is sufficiently stroked. See Brandt at lines 56-60, column 5.

The Examiner's allegation that Brandt anticipates independent claim 18 contradicts the explicit disclosure of Brandt and independent claim 8 is allowable for at

least the reasons set forth above. Accordingly, the Board should reverse the Examiner's rejection of claim 18 under 35 U.S.C. § 102(e) because the Examiner has failed to properly establish that Brandt discloses or suggests each of the claimed elements.

2. The Examiner's Interpretation of the Claims is Unreasonable

The Examiner unreasonably construes at least independent claims 1, 8, and 18 by alleging that Brandt's setting of parameters prior to use is the same as the steps and elements recited in claims 1, 8, and 18. Although the Examiner is entitled to interpret claim terms broadly, such interpretation cannot be unreasonable. Indeed, MPEP § 2111 indicates "pending claims must be given their broadest reasonable interpretation consistent with the specification." While the Examiner may not be required "to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit," the Examiner is required to apply "to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification." *Id.* Accordingly, for example, the broadest reasonable interpretation of the receiving, determining, adjusting, and delivering steps recited in claim 1, must be consistent with the interpretation of these steps that those skilled in the art would reach. See *id.*

The Examiner incorrectly asserts that the *settable* parameters disclosed by Brandt are equivalent to *adjusting* a parameter of an undesired command signal, as

recited in claim 1. This assertion is not consistent with the interpretation of the phrase in context of Appellant's specification and in view of the plain meaning of the phrase in light of the other phrases in the method of claim 1 (e.g., receiving and determining steps). The same problem resonates to other independent claims 8 and 18 and the Examiner's application of the cited art. The Examiner ignores reasonable interpretations of Appellant's claim terms, such as adjusting a parameter of an undesired command signal received from the at least one other control input in response to the potential condition, as recited in claim 1, in the context of not only the specification, but the known meaning in the art.

The Examiner's allegation that Brandt anticipates independent claims 1, 8, and 18 unreasonably interprets these claims and independent claims 1, 8, and 18 are allowable for at least the reasons set forth above. Additionally, claims 4-7, 9-12, 14, 15, and 17 each depend from one of independent claims 1, 8, and 18 and are allowable for at least this reason. Accordingly, the Board should reverse the Examiner's rejection of claims 1-4, 8-12, 14, 15, 17, and 18 under 35 U.S.C. § 102(e) because the Examiner unreasonably interprets these claims.

C. The Rejection of Claim 16 Under 35 U.S.C. § 103(a) as Being Unpatentable over Brandt in view of Kim Should be Reversed

The Examiner rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Brandt in view of Kim. The Board should reverse this rejection because the Examiner has failed to establish a proper *prima facie* case of obviousness over Brandt in view of Kim. Specifically, Kim fails to cure the deficiency of Brandt noted above that

Brandt only discloses fixed parameters and Kim fails to disclose removing an adjusted parameter after an elapsed period of time.

A proper *prima facie* case of obviousness requires, *inter alia*, that the combined prior art references must teach or suggest all the claim limitations. MPEP § 2142. The obviousness rejection set forth in the Office Action improperly establishes that Brandt in view of Kim discloses all of the claim limitations.

Kim discloses a remote control system for a vehicle actuator including a transmitter module 22, an output processor 38, and a radio frequency output transmitter 40 that transmits signals to a receiver module 42. See paragraphs [0030] and [0031] of Kim. The receiver module 42 includes a microprocessor 36 which converts the signals into a set of commands to initiate one or more output ports 50 that can be operatively connected to initiate vehicle actuators 100 to control the up and down motion of vehicle 102. See paragraphs [0032] and [0033] of Kim. Kim further discloses in paragraph [0002] that simultaneous operation of two actuators with the same hand establishes a slight elapse of time between the operation of the actuators, which prevents a smooth operation of the actuators. See paragraph [0002] of Kim.

In the Office Action, the Examiner contends that "Kim discloses the undesired command signal after an elapsed period of time," Office Action at lines 20-21, page 6. Furthermore, the Examiner alleges that "[i]t would have been obvious...to implement the undesired command signal after an elapsed period of time as *taught by Kim*."
(emphasis added) Office Action at lines 22-24 of page 6.

This is a gross mischaracterization of the disclosure of Kim. For example, paragraph [0002] of Kim merely identifies that simultaneous operation of two actuators with the same hand establishes an elapsed period of time between the operation of the two actuators. That is, the two actuators cannot necessarily be actuated simultaneously with the same hand. However, merely mentioning that “an elapsed period of time” exists, does not establish that Kim teaches, “removing [an] adjusted parameter from [an] undesired command signal after an elapsed period of time” as recited in claim 16. Indeed, the cited portion, or any other portion of Kim is not relevant to removing an adjusted parameter.

The Examiner’s allegation that claim 16 is obvious over Brandt in view of Kim fails to establish that each claimed element is taught by Brandt in view of Kim and claim 16 is allowable for at least the reasons set forth above. Accordingly, the Board should reverse the Examiner’s rejection of claim 16 under 35 U.S.C. § 103(a) because the Examiner has failed a *prima facie* case of obviousness.

Conclusion

For the reasons given above, pending claims 1-20 are allowable and reversal of the Examiner's rejections is respectfully requested.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 31, 2007

By: _____

Timothy P. McAnulty
Reg. No. 56,939



Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1. (Previously presented) A method for controlling a parameter of at least one signal, including the steps of:
 - receiving a desired command signal from at least one control input;
 - determining a potential condition for receiving an undesired command signal from at least one other control input;
 - adjusting a parameter of an undesired command signal received from the at least one other control input in response to the potential condition; and
 - delivering the desired command signal and the undesired command signal to at least one output.
2. (Original) A method, as set forth in claim 1, wherein receiving a desired command signal includes the step of receiving a desired command signal from at least one axis of a joystick.
3. (Original) A method, as set forth in claim 1, wherein receiving a desired command signal includes the step of receiving a desired command signal from at least one lever.
4. (Original) A method, as set forth in claim 1, wherein receiving a desired command signal includes the step of receiving a desired command signal from an automated program.

5. (Original) A method, as set forth in claim 1, wherein receiving a desired command signal includes the step of receiving a desired command signal from a proportional output device.

6. (Previously presented) A method, as set forth in claim 1, wherein adjusting a parameter of an undesired command signal includes the step of increasing an amount of deadband of the at least one other control input.

7. (Previously presented) A method, as set forth in claim 1, wherein adjusting a parameter of an undesired command signal includes the step of adjusting a gain parameter of the at least one other control input.

8. (Previously presented) An apparatus for controlling a parameter of at least one signal, comprising:

a plurality of control inputs; and

a controller for:

receiving a first command signal from at least one control input;

determining a potential condition for receiving an undesired command signal from at least one other control input;

receiving a second command signal from the at least one other input;

modifying a parameter of the second command signal in response to the potential condition; and

delivering the first and second command signals to at least one output.

9. (Original) An apparatus, as set forth in claim 8, wherein the plurality of control inputs includes a joystick.

10. (Original) An apparatus, as set forth in claim 9, wherein the joystick includes a plurality of axes, each axis providing an associated control input.

11. (Original) An apparatus, as set forth in claim 8, wherein the plurality of control inputs includes at least one lever.

12. (Original) An apparatus, as set forth in claim 8, wherein the plurality of control inputs includes at least one automated program for initiating a command signal.

13. (Original) An apparatus, as set forth in claim 8, wherein the plurality of control inputs includes at least one proportional output device.

14. (Original) An apparatus, as set forth in claim 8, wherein the plurality of control inputs includes at least one of a joystick, a lever and an automated program.

15. (Original) An apparatus, as set forth in claim 8, wherein the controller includes:
an input/output control interface; and

at least one of a deadband control function and a gain control function.

16. (Previously presented) The method of claim 1, further including removing the adjusted parameter from the undesired command signal after an elapsed period of time.

17. (Previously presented) The method of claim 1, wherein:
the desired command signal is indicative of an intentional actuation of the at least one control input; and
determining a potential condition for receiving an undesired command signal from at least one other control input includes determining the undesired command signal to be indicative of an inadvertent actuation of the at least one other control input.

18. (Previously presented) A method for delivering a command signal comprising:
receiving a first command signal from a first control input;
receiving a second command signal from a second control input;
selectively passing the second command signal through a control function to selectively control a parameter of the second command signal as a function of the first command signal;

subsequently removing the control function from the second command signal;
and

communicating the first and second command signals to at least one output.

19. (Previously presented) The method of claim 18, further including:
selectively passing the second command signal through the control function
when the second command signal is determined to be an inadvertent signal with
respect to the first command signal; and
wherein the control function is configured to control a parameter of the second
command signal.

20. (Previously presented) The method of claim 19, further including
subsequently determining the second command signal to be an intentional signal
with respect to the first command signal; and
wherein subsequently removing the control function from the second command
signal includes removing the control from the parameter when the second command
signal is determined to be an intentional signal.

Application No.: 10/092,333
Attorney Docket No.: 08350.1484-00000
Assignee Docket No. 01-484

Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)

There is no evidence being relied upon by Appellant in the appeal.

Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)

None.